

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA SHUMAN, a minor by and through his mother and natural guardian, TERESA SHERTZER, and TERESA SHERTZER Plaintiffs,
v.

PENN MANOR SCHOOL DISTRICT,
PENN MANOR SCHOOL BOARD,
GARY B. CAMPBELL, individually and as Superintendent of the Penn Manor School District,
AND
DONALD STEWART, individually and as Acting Superintendent of the Penn Manor School District,
AND
JANICE M. MINDISH, individually and as Principal of Penn Manor High School of the Penn Manor School District,
AND
BRIAN D. BADDICK, individually and as Assistant Principal of Penn Manor High School of the Penn Manor School District,
AND
PHILIP B. GALE, individually and as Dean of Students of Penn Manor High School of the Penn Manor School District,
AND
CAROLE FAY, individually and as a teacher and Agriculture Coordinator at Penn Manor High School of the Penn Manor School District,

Defendants.

CIVIL ACTION
No. 02-CV-3594
(GARDNER)

ORDER

AND NOW, this _____ day of _____, 2004, after consideration of Defendants' Motion for Summary Judgment and Brief in Support thereof, as well as Plaintiffs' Response to said Motion and Brief in Opposition thereto, it is ORDERED and DECREED that the following claims are DISMISSED:

- 1) all claims against Gary Campbell;

- 2) the claim of a violation of the First Amendment against Brian Baddick;
- 3) the claim of a violation of the Fourth Amendment against Donald Stewart; and
- 4) the claim of Negligent Infliction of Emotional Distress against all Defendants.

In all other respects, Defendants' Motion for Summary Judgment is DENIED.

BY THE COURT:

**JAMES KNOLL GARDNER
UNITED STATES DISTRICT JUDGE**